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PATRICK E. DEER  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<b>JANICE M. SMITH,</b>	)	<b>CV-07-90-BLG-RFC</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>ORDER ADOPTING FINDINGS</b>
	)	<b>AND RECOMMENDATIONS OF</b>
<b>CUSTER BATTLEFIELD</b>	)	<b>U.S. MAGISTRATE JUDGE</b>
<b>PRESERVATION COMMITTEE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

On April 1, 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's Complaint without prejudice.

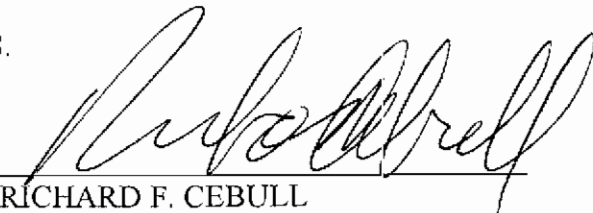
Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the April 1, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to

review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Plaintiff has filed nothing to prosecute this action since the filing of her Complaint and Plaintiff has failed to serve Defendants.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint is **DISMISSED**. The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED the 25 day of April, 2008.

  
\_\_\_\_\_  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE